IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

Crl.MC.No. 2233 of 2007()

(CRIME NO.74/2000 OF PARRIPALLY POLICE STATION IN C.P.NO.90/2006 PENDING BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT, PARAVOOR, KOLLAM)

PETITIONER: 2ND ACCUSED:

KANAKAMMA AMMA, AGED 52,
W/O. ANANDAN, VALIYAMADATHIL VEEDU, AYATHIL P.O.,
KOLLAM.

BY ADV. SRI.H.HARIKUMAR (KOLLAM)

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Cr.M.C.No. 2233 of 2007

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Dated this the 12th day of July, 2007

ORDER

The petitioner faces indictment in a prosecution under the provisions of the Kerala Abkari Act. Final report has been filed. Cognizance has been taken on the basis of final report. Committal proceedings has been registered. The petitioner has not appeared before the learned Magistrate. Consequent to non appearance, a warrant of arrest has been issued against the petitioner by the learned Magistrate.

2. According to the petitioner, she is absolutely innocent. Her absence was not wilful, it is submitted. She is willing to surrender before the learned Magistrate and seek regular bail. But she apprehends that her application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. She therefore prays that a direction may be issued under Section 482 Cr.P.C to the learned Magistrate to release her on bail when she appears and applies for bail.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which she could not earlier appear before the learned Magistrate. The learned Magistrate must consider such application for bail on merits, in accordance with law and expeditiously, in the light of

the decision in **Sukumary Vs.State of Kerala** [2001(1) KLT 22]. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for regular bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously-on the date of surrender itself.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE